

Travellers' illegal camps to be razed under new proposal

By Greg Hurst and Valerie Elliott

ILLEGAL encampments built by travellers to bypass planning laws would be bulldozed and the land restored to its original state under new powers being drawn up by the Government.

Hard surfaces would have to be dug up, fences taken down and lavatory facilities removed to cut through the current procedure for reinstating land, which can be delayed for years through the courts.

A local authority could serve a "notice of remedy" in respect of an unauthorised development on greenbelt or greenfield land, if it thought significant harm was being caused. For this reason there would be no right of appeal.

Another change would make it easier to serve injunctions rapidly when ownership of land is unclear by removing the current burden of proof and serving a notice on the site itself.

When land is bought and resold, as happened in several controversial developments by travellers, provision exists to serve an injunction against "persons unknown" but critics say this is seldom used due to the heavy burden of proof needed.

Details emerged as a High Court judge overturned a planning inspector's decision to allow a gypsy family to remain at one controversial site at Cottenham, Cambridgeshire.

Mr Justice Forbes said the decision was wrong in law and ordered the Office of the Deputy Prime Minister to re-examine the case of Patrick McCarthy and his wife, who moved on to land at Cottenham without planning permission.

His ruling is now likely to trigger a new class legal action



for compensation against similar decisions which have brought misery to many villages and led to a drop in property prices.

Ministers will confirm the proposals within weeks as Tony Blair moves to address mounting concern in some rural communities at how travellers can secretly buy greenfield land and erect encampments in days, presenting planners with a *fait accompli*.

The move is extraordinary as only last month the Government published draft regulations for new powers for councils to issue a temporary stop notice before an enforcement notice can be served to halt an unauthorised development for 28 days. The Office of the Deputy Prime Minister, which is responsible for planning, is still consulting local authorities and traveller groups about them.

But Tony Blair told MPs yesterday he had asked the department to go much further by introducing measures such as notice to reinstate land and fast-track injunctions.

He was urged to do so by John Baron, Conservative MP for Billericay, who introduced a Private Member's Bill proposing these measures last year and met Mr Blair in the summer to emphasise his case.

The other proposal in his Bill, which the Government blocked last year before Mr Blair's change of heart, was to restore the legal duty on local authorities to provide travellers' sites at a fair rent, which was scrapped in 1994.

Mr Blair told Mr Baron at Prime Minister's Questions: "We will bring forward proposals in the next few weeks and they will deal specifically with the issues he has raised."

"The question ... is whether the new power of local authorities ... is going to be sufficient or whether we have to take the further steps that he has suggested. I said to him when we met the points he was making were perfectly reasonable."

Another option under consideration is for local authorities to identify land that travellers would buy where the council would be predisposed to give planning permission for a site.

A government source told *The Times* that Mr Blair and Alan Milburn, Labour's election co-ordinator, were determined not to let the Conservatives "outflank" them, while the Office of the Deputy Prime Minister appeared to be fighting a losing battle to defend its policy.

The source said: "There is an ODPM versus Blair and Milburn split."

"The ODPM want to do it their way and the PM and Alan Milburn think there is a political angle to this and we have got to be doing the most we possibly can do."